

**REMARKS – General**

Rejections under 35 USC 102:

The most recent Office Action (OA) rejects claims 1, 2 and 6-9 as being anticipated by Sloane, US Pat. No. 5,918,211. Specifically, the OA submits that Sloane teaches a portable electronic device having unique personal identification data stored therein at col. 9, lines 5-20; and a means of transmitting the unique personal identification data to a store at col. 9, lines 5-20; wherein the store receives the unique personal information data, a store discount is applied to a plurality of specially marked store discount items at col. 9, lines 5-20.

Applicants have amended claims 1 and 6 to recite a “cash register”, which is in communication with the portable electronic device. Support for the amendment is found in Applicants’ specification as originally filed at page 4, line 10. In light of the amendment, Applicants respectfully submit that Sloane fails to teach all of the limitations of Applicants’ claims 1 and 6, as well as claims depending therefrom.

Sloane teaches a portable bar code scanning device that a consumer uses at a point of purchase, to read product UPC codes while shopping. Specifically, the device of Sloane is used “...in the retail aisle with the products in front of them.” Sloane, col. 2, lines 52-58. Upon reading a shelf label or product with UPC code, information is transmitted to a computer/controller. This computer controller as taught by Sloane is a centralized computer. In Sloane’s system as shown in FIG. 9, the portable bar code scanning device talks to the computer/controller, not a cash register. To be sure, Sloane expressly teaches away from communication with a cash register when in stating that the Sloane invention “...will eliminate waiting on a checkout line to have the purchases rung up (scanned) by the cashier.” Sloan, col. 7, lines 2-3. Applicants respectfully request reconsideration of the rejection in light of the amendment and these comments.

Rejections under 35 USC 103:

The OA rejects claims 3 and 4 under 35 USC §103 as being unpatentable over Sloane in view of Swartz, US Pat. No. 6,243,447. Specifically, the OA submits that Sloane teaches all of Applicants' claimed limitations in claims 3 and 4 except for the fact that the electronic device is a mobile telephone. The OA submits that Swartz teaches such a mobile telephone for scanning products, and that it would thus be obvious for one of ordinary skill in the art to combine Sloane and Swartz to obtain Applicants' invention. In light of the amendment to claim 1, Applicants respectfully traverse this rejection.

In traversing this rejection, Applicants respectfully submit that Sloane fails to teach all limitations claimed in Applicants' claim 1, from which claims 3 and 4 depend. Specifically, Sloane fails to teach a means of transmitting the unique personal identification data to a cash register. Applicants further submit that Swartz also fails to teach a means of transmitting the unique personal identification data to a cash register. Swartz teaches the user transmitting the internal terminal identifier to a centralized store computer via a cellular telephone network and link. Swartz, col. 8, lines 50-65. Swartz fails to teach any of a means of transmitting the unique personal identification data to a cash register. Applicants respectfully request reconsideration of the rejection in light of these comments.

Claims 10-16 are rejected under 35 USC §103 as being unpatentable over Swartz in view of Sloane. Specifically, the OA submits that Swartz teaches providing a store register capable of having stored therein a unique store identification data, wherein the store register includes a means of transmitting the unique store identification data at col. 7, lines 30-40; providing a personal electronic device capable of receiving the unique store identification data at col. 9, lines 30-38; and transmitting the unique store identification data from the register to the portable electronic device at col. 9, lines 30-38. The OA submits that Swartz fails to teach the application of a store discount, but that Sloane teaches such at col. 3, lines 30-35.

In traversing this rejection, Applicants have amended claim 10, as noted above, to recite a cash register. Applicants respectfully traverse the assertion of the OA that Swartz teaches a register having means for transmitting store identification data. To the contrary,

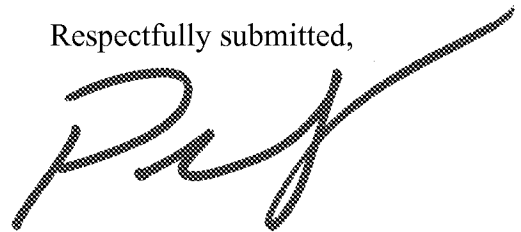
at col. 7, lines 37-40, Swartz teaches communication between a mobile telephone and a sophisticated, centralized computer system. The centralized computer system is in communication with a mobile telephone by way of a cellular carrier. The centralized computer system includes “nutritional data,” “pricing methods,” and “recipes” about all products in the store. As with Sloane, Swartz expressly teaches away from communication with a register at a point of sale at col. 9, lines 5-8, by stating that a register and cashier are involved *only after* the scanning and communication process with the central computer is complete.

As neither Swartz nor Sloane teaches an electronic device in communication with a register, Applicants respectfully submit that the rejection to claim 10 and all claims depending therefrom is overcome. Applicants respectfully request reconsideration of the rejection in light of these comments.

**CONCLUSION**

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. For the above reasons, Applicants believe the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Applicants believe this application is now in condition for allowance, for which they respectfully submit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Burrus, IV', with a long, sweeping horizontal stroke extending to the right.

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